


Application Number 	Application/Control No. 09/891,941	Applicant(s)/Patent under Reexamination BEARD, TERRY D.
Document Code - DISQ		Internal Document – DO NOT MAIL

TERMINAL DISCLAIMER	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED
Date Filed : October 25, 2005	This patent is subject to a Terminal Disclaimer	

Approved/Disapproved by:
Henry D. Jefferson



PTO/SB/26 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TERMINAL DISCLAIMER TO OBIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)

115-21-099

In re Application of: **TERRY D. BEARD**

Application No.: 09/891,941

Filed: JUNE 25, 2001

For: **MULTICHANNEL SPECTRAL MAPPING AUDIO APPARATUS AND METHOD WITH DYNAMICALLY VARYING MAPPING
COEFFICIENTS**

The owner, TERRY D. BEARD, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,252,985 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

expires for failure to pay a maintenance fee;

is held unenforceable;

is found invalid by a court of competent jurisdiction;

is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;

has all claims canceled by a reexamination certificate;

is reissued; or

is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 26,475

Richard S. Koppel
Signature

8/15/05
Date

RICHARD S. KOPPEL
Typed or printed name

(805) 373-0060
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

09/21/2005 09:00:00 09891941

65.00 DP

01 FC:2814



EXPRESS MAIL LABEL NO. EV460257194US
PATENT

Docket No. 115-21-099

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Terry D. Beard
Serial No. 09/891,941 Examiner: Brian T. Pendleton
Filed: June 25, 2001 Art Unit: 2644
Title: MULTICHANNEL SPECTRAL MAPPING AUDIO APPARATUS
AND METHOD WITH DYNAMICALLY VARYING MAPPING
COEFFICIENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

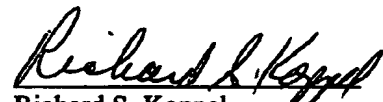
RESPONSE TO AUGUST 19, 2005 OFFICE ACTION

Sir:

In response to the Office action mailed August 19, 2005, a Terminal Disclaimer to Obviate a Double Patenting Rejection Over a Prior Patent is submitted herewith with respect to Patent No. 6,252,965. Since this was the only basis for rejection, all of the claims remaining in the application should now be allowable, and a Notice of Allowance is respectfully requested.

Respectfully submitted,

Date: 9/15/05


Richard S. Koppel
Registration No. 26,475
Attorney for Applicant

KOPPEL, JACOBS, PATRICK & HEYBL
555 St. Charles Drive, Suite 107
Thousand Oaks, California, 91360
(805) 373-0060
ARI/TerryBeard/115-21-099Resp 8/19/05 OA